

# INTERNATIONAL SEARCH REPORT

Intern	Application No
PCT/IB 03/01333	

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC 7 A61K31/403 C07D209/52 A61P1/00 A61P11/00 A61P13/00

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, CHEM ABS Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 863 141 A (BANYU PHARMA CO LTD) 9 September 1998 (1998-09-09) claim 1	1-17
A	US 6 307 060 B1 (WAELEBROECK MAGALI ET AL) 23 October 2001 (2001-10-23) see formula I, column 1 and paragraph 2 column 2	



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- \*&\* document member of the same patent family

Date of the actual completion of the international search

14 July 2003

Date of mailing of the international search report

30/07/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Bérillon, L

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/IB 03/01333

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 4-7 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

## Continuation of Box I.2

Present claims 1-17 relate to compounds defined by reference to a desirable characteristic or property, namely metabolites of formula I. The claims cover all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compounds by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the compounds having the structure of Formula I and their pharmaceutically acceptable solvates, esters, enantiomers, diastereoisomers, N-oxides or polymorphs.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

# INTERNATIONAL SEARCH REPORT

tion on patent family members

Intern: Application No  
PCT/IB 03/01333

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0863141	A	09-09-1998	AT 205490 T	15-09-2001
			AU 7145996 A	30-04-1997
			DE 69615214 D1	18-10-2001
			DE 69615214 T2	27-06-2002
			EP 0863141 A1	09-09-1998
			US 6130232 A	10-10-2000
			CA 2234619 A1	17-04-1997
			WO 9713766 A1	17-04-1997
US 6307060	B1	23-10-2001	WO 9821183 A1	22-05-1998
			AT 238280 T	15-05-2003
			AU 745331 B2	21-03-2002
			AU 4856097 A	03-06-1998
			CN 1237159 A	01-12-1999
			DE 59709927 D1	28-05-2003
			EP 0937041 A1	25-08-1999
			HU 9903791 A2	28-03-2000
			JP 2001504459 T	03-04-2001
			NO 991056 A	11-05-1999
			NZ 336202 A	27-10-2000
			PL 332595 A1	27-09-1999
			US 2002173536 A1	21-11-2002